1 2 3 4	DAVID G. EPSTEIN (SBN 84356) depsteinlaw@icloud.com THE DAVID EPSTEIN LAW FIRM PO Box 4858 Laguna Beach, CA 92652-4858 (949) 715-1500 Fax (949) 715-2570				
5 6	Attorneys for Plaintiff				
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9	UNITED STATES DISTRICT COURT				
10	CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION				
11					
12	JOHN D. THOMAS,	Case No. 8:23-cv-00236-DOC-JDE			
13	Plaintiff,) Assigned for all purposes to:			
14	VS.	FIRST AMENDED NOTICE OF			
15	LEAGLE, INC., a former Arkansas) DEFAULT AND REQUEST FOR) CLERK'S ENTRY OF DEFAULT;			
16	corporation; and DOES 1-25,	DECLARATION OF DAVID G.			
17	Defendants.) EPSTEIN			
18	Defendants.))			
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22	To the court and defendant: Plaintiff here submits its request for clerk's entry of default.				
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24	This request is based upon the following:				
25	1. Defendant Leagle, Inc. is not a minor or incompetent person or in military				
26	service or otherwise exempted under the So	ldiers and Sailors Civil Relief Act of 1940.			
27	(See Declaration of David G. Epstein at ¶ 6.)				
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1	2. Notice of the a
2	3. Notice of this
3	said defendant by Aug
4	service of process on th
5	4. The above-nar
6	complaint (<i>Id</i> . at ¶5).
7	The application
8	Epstein, the pleadings a
9	before the court at the l
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13	D . 1 . 4
14	Dated: August 29, 2023
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2. Notice of	the application l	has been served as i	required by	Rule 55(b)(2)
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- 3. Notice of this application for default judgment by court has been served on said defendant by August 29, 2023, in the manner previously approved by this court for service of process on this defendant. (Declaration of David G. Epstein ¶7).
- 4. The above-named defendant has failed to plead or otherwise respond to the complaint (Id. at $\P 5$).

The application is based on this Notice, the attached Declaration of David G. Epstein, the pleadings and files in this matter, and any other matter that may be brought before the court at the hearing.

The David G. Epstein Law Firm

/s/ David G. Epstein

David G. Epstein

Declaration of David G. Epstein

I, David G. Epstein, say:

- 1. I am licensed California attorney admitted to their of this court. I make this declaration of my own personal knowledge and could and would so testify if called.
- 2. This action was filed on February 7, 2023. Summons was issued on February 9, 2023.
- 3. On April 14, 2023, the court authorized service of process on this defendant by electronic means (Docket 17). The relevant portions of the court's order read as follows:

A court may authorize service of process by email where such service is reasonably calculated to apprise a defendant of an action. Rio Properties, Inc. v. Rio Int'l Interlink, 284 F.3d 1007, 1017 (9th Cir. 2002). Accordingly, Plaintiff may serve Leagle, Inc. by accessing the "contact us" page on its website and uploading or linking the summons, complaint, and other documents through that page. If Leagle, Inc. fails to respond timely, in seeking entry of default, Plaintiff shall specify in detail the steps it took to serve process by the above-stated means, and all relevant matters and events associated with its service effort.

- 4. On June 13, 2023, plaintiff filed a proof of service by said means (Docket 18). The relevant portions of that proof of service read as follows:
 - 2. On May 31, 2023, I accessed the Leagle.com "Contact Us" page.
 - 3. I advised in writing that they have been sued, provided my contact information, and provided a link to a Dropbox.com web address where they could access the summons, complaint, initial order, statement re magistrates, and statement of damages. That dropped web address is https://www.dropbox.com/home/Leagle Pleadings.
 - 4. On June 13, 2093, at 3:59 pm, I accessed that dropbox website and the pleadings were readily accessible
 - 5. Accordingly, I believe that Leagle, Inc. has been served in accordance with the court's order authorizing service in that manner
 - 5. This manner of service complies with the court's order (Docket 17).

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6. Defend	ant has not responded in any manner to the summons and complaint
and has not com	municated with the undersigned. The time for a response to the
complaint has pa	assed.

- 7. Defendant is not a minor or an incompetent person, and is not in the military service and accordingly the Servicemembers Civil Relief Act does not apply.
- 8. I served a copy of this application on July 30, 2023 in the same manner authorized by the court for service of the summons and complaint.

If called as a witness, I could and would testify to the matters contained herein, which I know of my own personal knowledge, except for those matters stated upon information and belief, and as to them, I believe them to be true.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed at Laguna Beach, California, on August 29, 2023.

/s/ David G. Epstein

David G. Epstein